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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,978	05/25/2001	Masood Mortazavi	188515/US	6345
66083 7590 02/24/2009 SUN MICROSYSTEMS, INC. c/o Dorsey & Whitney LLP 370 SEVENTEENTH ST. SUITE 4700 DENVER, CO 80202				
EXAMINER				
CHANKONG, DOHM				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: MASOOD MORTAZAVI, VLADIMIR MATENA,
SANJEEV KRISHNAN and RAHUL SHARMA

Application No. 09/865,978
Technology Center 2400

Mailed: February 24, 2009

Before TOI JOHNSON *Review Paralegal*
JOHNSON, *Review Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 29, 2008. A review of the application revealed that it is not ready for docketing as an appeal.

Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

APPEAL BRIEF, CLAIMS APPENDIX

A review of the Appeal Brief filed November 19, 2007, reveals that claim 1 in the Claims appendix of the Appeal Brief is not consistent as amended in the last entered amendment filed on September 15, 2006.

Specifically, claim 1 (Page i, Lines 4-6), as provided in the Brief's Claims Appendix, reads:

“... receiving at an asynchronous proxy an asynchronous request from a first object-oriented component residing at a second server wherein the request has a void return type and is not associated with application-specific exceptions;...”.

However, in the last entered Amendment dated September 15, 2006, claim 1 (Page 2, Lines 4-7), reads:

“...receiving at an asynchronous proxy an asynchronous request from a first object-oriented component residing at a first server to invoke a second object-oriented component residing at a second server wherein the request has a void return type and is not associated with application-specific exceptions;...”.

Appropriate correction of all claims provided in the Claims Appendix in proper format is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) hold the Appeal Brief filed November 19, 2007, defective, as required by 37 CFR § 41.37(d);
- 2) notify the Appellant to submit a “paper” which corrects the Appeal Brief’s Claims Appendix under 37 CFR §41.37(c)(1)(xiii);
- 3) acknowledge and consider any “paper” submitted by Appellant to correct the Appeal Brief; and
- 4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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